

.For the reasons set forth in the preamble, CMS is amending 42 CFR chapter IV as set forth below:

.A. Part 483 is amended as follows:

PART 483-REQUIREMENTS FOR STATES AND LONG TERM CARE FACILITIES

Subpart B-Requirements for Long Term Care Facilities

.1. The authority citation for part 483 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

.i. In § 483.35, the introductory text is republished, paragraph (v) is redesignated as paragraph (i), and a new paragraph (v) is added to read as follows:

§ 483.35 Dietary services.

The facility must provide each resident with a nourishing, palatable, well-balanced diet that meets the daily nutritional and special dietary needs of each resident.

(h) *Paid feeding assistants—(1) State-approved training course.* A facility may use a paid feeding assistant, as defined

in § 488.301 of this chapter, if—
(i) The feeding assistant has successfully completed a State-approved training course that meets the requirements of § 483.160 before feeding residents; and

(ii) The use of feeding assistants is consistent with State law.

(2) *Supervision.* (i) A feeding assistant must work under the supervision of a registered nurse (RN) or licensed practical nurse (LPN).

(ii) In an emergency, a feeding assistant must call a supervisory nurse for help on the resident call system.

(3) *Resident selection criteria.*

(i) A facility must ensure that a feeding assistant feeds only residents who have no complicated feeding problems.

(ii) Complicated feeding problems include, but are not limited to, difficulty swallowing, recurrent lung aspirations, and tube or parenteral/IV feedings.

(iii) The facility must base resident selection on the charge nurse's assessment and the resident's latest assessment and plan of care.

§ 483.7 [Amended]

.3. Section 483.7 is amended as follows: .a. In paragraph (e)(1), the definition of "Nurse aide" is amended by adding a sentence to the end of the definition;

.b. A new paragraph (q) is added.

The additions read as follows:

§ 483.75 Administration.

(e) *** (1) ***

(1) *** Nurse aides do not include those individuals who furnish services to residents only as paid feeding assistants as defined in § 488.301 of this chapter.

(q) *Required training of feeding assistants.* A facility must not use any individual working in the facility as a paid feeding assistant unless that individual has successfully completed a State-approved training program for feeding assistants, as specified in § 483.160 of this part.

Subpart D-Requirements That Must Be Met by States and State Agencies: Nurse Aide Training and Competency Evaluation; and Paid Feeding Assistants

.4. The heading of subpart D is revised to read as set forth above.

.5. A new § 483.160 is added to read as follows:

§ 483.160 Requirements for training of paid feeding assistants.

(a) Minimum training course contents. A State-approved training course for paid feeding assistants must include, at a minimum, 8 hours of training in the following:

- (1) Feeding techniques.
- (2) Assistance with feeding and hydration.
- (3) Communication and interpersonal skills.
- (4) Appropriate responses to resident behavior.
- (5) Safety and emergency procedures, including the Heimlich maneuver.

(6) Infection control.
(7) Resident rights.
(8) Recognizing changes in residents that are inconsistent with their normal behavior and the importance of reporting those changes to the supervisory nurse.

(b) Maintenance of records. A facility must maintain a record of all individuals used by the facility as feeding assistants, who have successfully completed the training course for paid feeding assistants.

.B. Part 488, subpart E is amended as follows:

PART 488-SURVEY, CERTIFICATION, AND ENFORCEMENT PROCEDURES

Subpart E-Survey and Certification of Long Term Care Facilities

.1. The authority citation for part 488 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

.2. Section 488.301 is amended by adding a new definition of "Paid feeding assistant" in alphabetical order to read as follows:

§ 488.301 Definitions.

As used in this subpart—

Paid feeding assistant means an individual who meets the requirements specified in § 483.35(h)(2) of this chapter and who is paid to feed residents by a facility, or who is used under an arrangement with another agency or organization.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare-Hospital Insurance; and Program No. 93.774, Medicare-Supplementary Medical Insurance Program)

Dated: May 22, 2003.

Thomas A. Scully,

Administrator, Centers for Medicare & Medicaid Services.

Approved: June 24, 2003.

Tommy G. Thompson,
Secretary.

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LEGAL SERVICES CORPORATION

45 CFR Part 1626

Alien Eligibility for Representation by LSC Programs

AGENCY: Legal Services Corporation. ACTION: Final rule.

SUMMARY: The Legal Services Corporation ("Corporation") is revising the appendix to its regulations on restrictions on legal assistance to aliens. This appendix sets forth a listing of documents upon which recipients may rely to verify the eligibility of non-U.S. citizens' applicants for legal assistance from LSC-funded programs.

EFFECTIVE DATE: This rule is effective as of September 26, 2003.

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SUPPLEMENTARY INFORMATION: Recipients of Legal Services Corporation ("Corporation") funds are permitted by law to provide legal assistance only to U.S. citizens and certain legal aliens. Recipients are required to verify the